

**FRCP 26 (a)(2)(C) Disclosure of Defendant's hybrid expert witness Aaron M. Jacoby Ph.D.**

From April 2019 to the present, Dr. Jacoby has served as the Director of the Mental Health Clinical Center, VA Maryland Health Care System (VAMHCS), Baltimore. From September 2014 to April 2019, he served as the Chief Psychologist for the VAMHCS Mental Health Clinical Center and served in an acting capacity in that position from April 2014 to September 2014. From December 2012 through September 2014, Dr. Jacoby served as the Deputy Director for the Chief Psychologist for the VAMHCS Mental Health Clinical Center.

Erin Burns was employed by the VAMHCS Mental Health Clinical Center from October 1, 2013, until her resignation on April 6, 2016. During her employment, she was supervised by Erin Romero, Ph.D., a VAMHCS Supervisory Psychologist and Program Manager for the Trauma Recovery and Dialectical Behavioral Services. Dr. Romero supervised other line psychologists at the VA. Dr. Jacoby supervised Dr. Romero and other supervisory psychologists in his VAMHCS positions.

Dr. Jacoby will testify that based on his observations, knowledge, experience, and training as a psychologist, and as a supervisor of psychologists, Erin Burns was appropriately and competently supervised by Dr. Romero. Specifically, Dr. Jacoby will testify that Dr. Romero regularly met with Erin Burns individually and in group meetings, and upon request by Erin Burns, and discussed and documented patient and treatment issues as they arose. Dr. Romero regularly discussed her supervisees, including Erin Burns, during her supervision sessions with Dr. Jacoby and sought his input. The effectiveness of supervision is limited when the supervisee lacks candor and truthfulness, as did Erin Burns, until her misconduct was disclosed by another VA patient's complaint.

Dr. Jacoby will testify that the facts and circumstances do not support the conclusions of Plaintiff's expert in his report that the following alleged failures occurred, or constituted a breach of the standard of care, or both:

1. Failure to appreciate and respond to "red flags" relating to boundary issues;
2. Failure to ensure a healthy and mutual supervisory relationship between Erin Burns and Dr. Romero;
3. Failure to separate Erin Burns and plaintiff after receiving knowledge of a potential boundary violation.

Dr. Jacoby will also testify that any other alleged failures by the VA asserted by Plaintiff's expert are equally unsupported by the circumstances or facts. Dr. Jacoby testified extensively to these and many other matters during his deposition in this action on September 26, 2022, and on May 9, 2016 during the Administrative Investigative Board relating to another VA patient's complaint about Dr. Burns. It is anticipated that Dr. Jacoby may testify at trial to some of the matters raised during his deposition and AIB testimony.